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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,561	07/06/2001	Peter Bernard Kaars	US000171	5051

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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,561

Applicant(s)

KAARS, PETER BERNARD

Examiner

Nghi V. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 01, 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al., U.S. Patent No. 6,226,670 (hereinafter Ueno), in view of Boivie et al., "Small Group Multicast: A New Solution for Multicasting on the Internet" (hereinafter Boivie).

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4. With respect to claims 1, 5, and 10, Ueno teaches a method of providing a service to distribute electronic content to a plurality of addressees via a data network [see abstract], the method comprising the acts of:

- identifying respective edge servers in said network that are in close proximity with respective groups of addressees from among the plurality of addressees [fig.1 and col.6, Ins.5-59];
- sending to the identified respective edge servers one copy of the electronic content and said respective groups of addressees associated with the identified respective edge servers [col.2, ln.60 - col.3, ln.67].

However, Ueno does not explicitly show sending individual copies of the electronic content to individual ones of the addressees in the identified edge server's respective group of addressees.

In a communication method, Boivie suggests enabling the identified respective edge servers to send individual copies of the electronic content to individual ones of the addressees in the identified edge server's respective group of addressees [fig.1 and page 77].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ueno in view of Boivie by sending individual copies of the electronic content to individual ones of the addressees in the identified edge server's respective group of addressees because this feature reduces sending extra packets to destination [Boivie, pages 77-78]. It is for this reason that one of

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ordinary skill in the art at the time of the invention would have been motivated in order to avoid wasting a lot of bandwidth [Boivie, pages 77-78].

5. With respect to claims 2 and 6, Ueno does not explicitly show supplying a list of identifiers of the addressees of the identified respective edge server's respective group to the identified respective edge server.

In a communication method, Boivie suggests supplying a list of identifiers of the addressees of the identified respective edge server's respective group to the identified respective edge server [page 77].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ueno in view of Boivie by supplying a list of identifiers of the addressees of the identified respective edge server's respective group to the identified respective edge server because this feature reduces sending extra packets to destination [Boivie, pages 77-78]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to avoid wasting a lot of bandwidth [Boivie, pages 77-78].

6. With respect to claims 3 and 7, Ueno further teaches the electronic content comprises an e-mail [fig. 1].

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7. With respect to claim 4, Ueno does not explicitly show the sending act further comprises sending a first portion of the electronic content to the respective identified edge servers.

In a communication method, Boivie discloses the sending act further comprises sending a first portion of the electronic content to the respective identified edge servers [fig.1 and pages 77-78].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ueno in view of Boivie by sending a first portion of the electronic content to the respective identified edge servers because this feature reduces sending extra packets to destination [Boivie, pages 77-78]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to avoid wasting a lot of bandwidth [Boivie, pages 77-78].

8. With respect to claims 11 and 8, Ueno does not explicitly show enabling the identified edge server to add a second portion of the electronic content to the first portion of the electronic content; and enabling the identified edge servers to send individual copies of the electronic content to individual one of the addressees in the respective groups.

In a communication method, Boivie teaches enabling the identified edge server to add a second portion of the electronic content to the first portion of the electronic content; and enabling the identified edge servers to send individual copies of the

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electronic content to individual one of the addressees in the respective groups [fig.1 and pages 77-78].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ueno in view of Boivie by adding a second portion and sending individual copies of the electronic content to individual one of the addresses in the respective groups because this feature reduces sending extra packets to destination [Boivie, pages 77-78]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to avoid wasting a lot of bandwidth [Boivie, pages 77-78].

9. With respect to claims 12 and 13, Ueno does not explicitly show the supplied list of identifiers of the addresses of the identified respective edge server's respective groups are addressable via the identified edge server.

In a communication method, Boivie teaches the supplied list of identifiers of the addresses of the identified respective edge server's respective groups are addressable via the identified edge servers [fig.1 and pages 77-78].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ueno in view of Boivie by supplying a list of identifiers of the addressees of the identified respective edge server's respective group to the identified respective edge server because this feature reduces sending extra packets to destination [Boivie, pages 77-78]. It is for this reason that one of ordinary

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skill in the art at the time of the invention would have been motivated in order to avoid wasting a lot of bandwidth [Beoivie, pages77-78].

Response to Arguments

10. Applicant's arguments with respect to claims 1-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khánh Dmh
Primary Examiner
A.U. 2151

Nghi V Tran